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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

CRIMINAL REVISION NO. 98 /2005

PETITIONER

Dr. Ugrasen Tiwari,
S/o. Shri Kaushal Prasad
Tiwari, Aged about 36 years,
R/o. Village Badagaon,
P.S. Semaria, Dist. Rewa(M.P)
Presently residing at
V-S-Dy. Director Office,
Mandla (M.P.)

7/5/05
Filed on 22/2/05
By Shri Reeva Dubey Advocate

R. to D.R. (J)
22/2/05

VERSUS

RESPONDENT

State of Chhattisgarh,
Through District Magistrate,
Bastar, Jagdalpur (C.G.)

CRIMINAL REVISION UNDER SECTION 397 READ WITH SECTION 401 OF THE CODE OF CRIMINAL PROCEDURE, 1973

XI-HC-22

(134)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक .....Cr.Rev.78/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	06/05/2005 Smt. Fouzia Mirza, counsel for the applicant. Shri Prafull Bharat, P.L. for the State. Heard. The applicant has preferred this criminal revision under Section 397 read with Section 401 of Cr.P.C against the impugned order of framing of charges by First Additional Sessions Judge, Jagdalpur in Sessions Trial No. 236/2004 in which charges under Sections 376,377 and 506-B of IPC has been framed. The argument of the learned counsel for the applicant is that from perusal of the charge sheet itself it is evident that the respondent is the wife of the accused/applicant and as such there is no ingredient available in the charge sheet which falls within the purview of Section 375 of the IPC on the basis of which charges under Section 376 of IPC can be framed. On the other hand learned counsel for the State opposes the application and submits that at the time of consideration of charges, the allegations contained in the charge sheet is to be looked into and meticulous examination of allegations present in the charge sheet cannot be done. It is argued that the complainant in her complaint has made allegations against the present applicant that on the pretext of marriage with the accused/applicant she was subjected to intercourse making her believe that she is the married wife of the applicant and subsequently she was made to abort on the pretext that they are not married. It is further argued by the counsel for the State that apart from charges under Section 376, the complainant was subjected to unnatural offence under Section 377 of IPC and she was compelled to go for abortion against her wishes. Taking into consideration the material available on record, I am of the opinion that the order of framing charge by learned Additional Sessions Judge, Jagdalpur does not suffer from any illegality which requires interference in the exercise of revisional jurisdiction. Accordingly, the revision is dismissed. **Sd/-** **Dhirendra Mishra** **Judge**	